

REMARKS

In the Office Action, the Examiner indicated the drawings originally filed on November 17, 2000 have been approved by the draftsperson and rejected claims 1-14 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,519,597 of Cheng et al. (“Cheng”).

Applicants have amended claims 1-3 to more appropriately define their invention, amended claim 6 and 10 to change their dependencies, and canceled claims 8, 9, and 12-14. Applicants have also added new claims 15 and 16 to define further aspects of their invention. As a result, claims 1-7, 10, 11, 15, and 16 remain pending.

With respect to the drawings, it is Applicants' understanding that the three sheets of drawings submitted with the response filed December 12, 2003, have not been entered and, based on the Examiner's remarks and the form PTO-948 attached to the Office Action, the drawings filed on November 17, 2000 are acceptable. If Applicants' understanding is not correct, the Examiner is respectfully requested to advise Applicants of any further requirements relating to the drawings.

Applicants respectfully traverse the Examiner's rejection of claims 1-14 under § 102(e) as anticipated by Cheng. In order to properly establish that Cheng anticipates Applicants' claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236 (Fed. Cir. 1989).

Regarding the 35 U.S.C. § 102(e) rejection, Cheng does not disclose each and every element of Applicant's present invention as claimed.

Cheng fails to anticipate claim 1 because it does not disclose each and every element of that claim. For example, Cheng fails to disclose Applicants' claimed structured document search method comprising a combination including generating a search plan including "(a) applying a plan generation rule to any one of said graph nodes, using a plan generation rule base including a plurality of plan generation rules, the plurality of plan generation rules each including rule application conditions, costs and search processing procedures; (b) executing a search processing procedure of the applied plan generation rule for materializing said variable; and (c) repeating the applying and the executing thereby to complete said search plan."

These features of amended claim 1 generally correspond to features previously recited in Applicants canceled claim 8 and are supported by Applicants' specification at, for example, pages 26-27. In the Office Action, the Examiner indicated that Cheng discloses the subject matter of claim 8 at col. 14, lines 55-67 and col. 15, lines 6-57. However, these cited portions of Cheng at least do not disclose generating a search plan using a rule base, as required by amended claim 1. Further, while in col. 16 Cheng appears to disclose use of a structure index and a content index, Cheng's disclosed process only appears to execute a fixed procedure for sequentially executing a vocabulary index filtering, AND processing, and OR processing after structure indexing. Such a process does not correspond to generating a search plan using a rule base, as required by amended claim 1.

Since Cheng fails to disclose each and every element of claim 1, claim 1 is patentable thereover. Claims 2-7, 10, and 11 are also patentable at least due to their dependence from claim 1.

New claim 15 is directed to a structured document search apparatus that generally corresponds to the method recited in amended claim 1. New claim 16 is directed to a computer program stored in a computer readable medium for searching a structured document database and includes features generally corresponding to those of amended claim 1. Applicants therefore submit that new claims 15 and 16 are also patentable over Cheng at least for the same reasons as discussed above for claim 1.

In view of the above amendments and remarks, Applicants submit that pending claims 1-7, 10, 11, 15 and 16 are in condition for allowance. A favorable action is requested.

Please grant any extensions of time required to enter this Amendment and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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